

United States District Court

WESTERN DISTRICT OF WASHINGTON

ROBERT MITCHELL

JUDGMENT IN A CIVIL CASE

v.

ROBERT W. POWERS, PH.D., *et al*

CASE NUMBER: C09-5504 RBL/KLS

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation; and
- (2) This action is **DISMISSED without prejudice** prior to service for failure to state a claim. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).**

January 8, 2010

BRUCE RIFKIN
Clerk

/s Mary Trent
By, Deputy Clerk